

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Julie Shank-Michaux
Debtor(s)

Bankruptcy Case No.: 16-22499-CMB
Issued Per Feb. 2, 2017 Proceeding
Chapter: 13
Docket No.: 30 – 5, 23
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 27, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,518 as of February 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: TD Retail Card Services at Claim No. 1 at zero percent. Quantum3 Group at Claim No. 4 at zero percent. PNC Bank at Claim No. 15 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: February 6, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Julie Shank-Michaux
 Debtor

Case No. 16-22499-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 31

Date Rcvd: Feb 06, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 08, 2017.

db +Julie Shank-Michaux, 613 Rockland Drive, Pittsburgh, PA 15239-2057
 cr +Peoples Natural Gas Company, LLC, Attention: Barbara Rodgers, Bankruptcy Department,
 205 North Main Street, Butler, PA 16001-4904
 14325336 +BMO Harris Bank, N.A., P.O. Box 2035, Milwaukee, WI 53201-2035
 14255365 Bank of America, PO Box 15019, Wilmington, DE 19886-5019
 14255366 Barclay Card, PO Box 13337, Philadelphia, PA 19101-3337
 14255369 Capital One, PO Box 71083, Charlotte, NC 28272-1083
 14280151 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14304392 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14255371 Chase, PO Box 722929, Houston, TX 77272-2929
 14255372 +Comcast, 300 Corliss Street, Pittsburgh, PA 15220-4864
 14319692 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14315472 +Franklin Regional Schools Federal Credit Union, 4068 Bushy Run Road,
 Jeannette, PA 15644-4548
 14255373 +Harris Bank, 1200 E. Warrendale Road, 3C, Naperville, IL 60563-3529
 14305260 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
 14255376 +Macy's, PO Box 790208, Saint Louis, MO 63179-2000
 14324867 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OH 44101-4982
 14255377 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14325644 +PNC Bank, National Association, c/o PNC Mortgage, 3232 Newmark Drive,
 Miamisburg, OH 45342-5421
 14266194 +TD Retail Card Services, c/o Creditors Bankruptcy Service, P.O. Box 800849,
 Dallas, TX 75380-0849
 14255378 Target Red Card, PO Box 660170, Dallas, TX 75266-0170
 14280490 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14255379 +Toyota Motor Finance, 19001 S Western Ave, Torrance, CA 90501-1196

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14255370 E-mail/PDF: gecsedirecoverycorp.com Feb 07 2017 01:31:03 Care Credit, c/o Synchrony Bank,
 PO Box 960061, Orlando, FL 32896-0061
 14312687 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Feb 07 2017 01:48:01 Duquesne Light Company,
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C.,, 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945
 14255374 E-mail/Text: ebnsterling@weltman.com Feb 07 2017 01:47:02 Kay's, PO Box 740425,
 Cincinnati, OH 45274-0425
 14255375 E-mail/Text: bnckohlsnotices@becket-lee.com Feb 07 2017 01:46:54 Kohl's Credit,
 PO Box 3043, Milwaukee, WI 53201-3043
 14325122 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 07 2017 01:54:43
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14290053 E-mail/Text: bnc-quantum@quantum3group.com Feb 07 2017 01:47:04
 Quantum3 Group LLC as agent for, Sterling Jewelers Inc, PO Box 788,
 Kirkland, WA 98083-0788
 14296442 +E-mail/Text: bncmail@w-legal.com Feb 07 2017 01:47:31 TD BANK USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14255381 +E-mail/Text: bnc@alltran.com Feb 07 2017 01:46:50 United Recovery Systems,
 P.O. Box 722929, Houston, TX 77272-2929
 14255382 E-mail/PDF: gecsedirecoverycorp.com Feb 07 2017 01:30:36 Walmart, PO Box 530927,
 Atlanta, GA 30353-0927

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BMO Harris N.A.
 cr Duquesne Light Company
 14255368 Brett Shank
 14255367 Brett Shank
 cr* +Franklin Regional Schools Federal Credit Union, 4068 Bushy Run Road,
 Jeannette, PA 15644-4548
 14280491* +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14255380* +Toyota Motor Finance, 19001 S Western Ave, Torrance, CA 90501-1196

TOTALS: 4, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 31

Date Rcvd: Feb 06, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 08, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 6, 2017 at the address(es) listed below:

Celine P. DerKrikorian on behalf of Creditor BMO Harris N.A. ecfmail@mwc-law.com
James Warmbrodt on behalf of Creditor Peoples Natural Gas Company, LLC
bkgroup@kmlawgroup.com
Kenneth Steidl on behalf of Debtor Julie Shank-Michaux julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com; ifriend@steidl-steinberg.com; asteidl@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com; todd@steidl-steinberg.com; cgoga@steidl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com; pashcroft@ecf.courtdrive.com; pghecf@bernsteinlaw.com; cabbott@ecf.courtdrive.com
Robert H. Slone on behalf of Creditor Franklin Regional Schools Federal Credit Union
robertslone223@gmail.com, rslone@pulsenet.com; G17689@notify.cincompass.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com

TOTAL: 8